

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE JAMES MADISON PROJECT, *et al.*,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,
et al.,

Defendants.

Civ. A. No. 19-0463-TJK

JOINT STATUS REPORT AND PROPOSED SCHEDULE

Pursuant to the Court’s Minute Order dated May 2, 2019, the parties, by and through their undersigned counsel, respectfully submit the following joint status report and proposed schedule for this Freedom of Information Act (“FOIA”) matter.

As explained in the parties’ previous joint status report, this action involves five FOIA requests that Plaintiffs submitted to Defendants Central Intelligence Agency (“CIA”), Department of State (“State”), the Federal Bureau of Investigation (“FBI”), and Department of Defense (“DOD”) components Defense Intelligence Agency (“DIA”) and U.S. Central Command (“CENTCOM”). The following is an update on Defendants’ searches, processing and responses:

A. CIA

CIA issued a final response to Plaintiff’s FOIA request on May 6, 2019. In accordance with Section 3.6(a) of Executive Order 13526, as amended, CIA stated it could neither confirm nor deny the existence or nonexistence of records responsive to Plaintiff’s request.

B. State

Since the last joint status report, State has received search responses from all tasked bureaus and has completed its initial search of the relevant central repositories. State does, however, plan to conduct supplemental searches using refined search terms to ensure that all potentially responsive material is identified and processed. State issued an interim production on June 6, 2019, in which it released five documents in full. State anticipates making another interim production on July 18, 2019, and can shortly thereafter provide Plaintiff with an update on the status of the supplemental searches. State will produce any responsive, non-exempt agency records or information that is subject to FOIA, except to the extent that doing so would tend to reveal the existence or non-existence of CIA records responsive to Plaintiff's request.

C. FBI

As previously reported, the FBI issued a final response to Plaintiff's FOIA request on December 11, 2018.

D. DIA

As previously reported, DIA issued a final response to Plaintiff's FOIA request on April 9, 2019. At Plaintiff's request and the interest of avoiding unnecessary litigation on the sufficiency of DIA's search, Defendants' counsel provided Plaintiff a summary of DIA's search by email on June 21, 2019.

E. CENTCOM

CENTCOM issued a final response to Plaintiff's FOIA request as scheduled on June 14, 2019.¹ CENTCOM located 103 pages and three video clips. CENTCOM withheld 16 pages in their entirety and partially released 87 pages and three video clips. CENTCOM withheld

¹ CENTCOM's final response letter is dated June 7, 2019, but was sent to Plaintiffs on June 14, 2019.

information pursuant to 5 U.S.C. § 552(b)(1), applying Executive Order 13526, Classified National Security Information, sections 1.4(a) military plans, weapons systems, or operations; 1.4(c) intelligence activities, sources or methods; 1.4(d) foreign relations or foreign activities of the United States, including confidential sources; and 1.4(g) vulnerabilities or capabilities of systems relating to the national security or defense against terrorism. Additional information was withheld pursuant to 5 U.S.C. § 552(b)(3) as related to 10 U.S.C. § 130b personnel in overseas, sensitive or routinely deployable units; (b)(5) inter-agency and intra-agency memorandum; and (b)(6) personal privacy interests.

CENTCOM has also agreed to prepare a search summary in advance of filing a dispositive motion and will produce that information to Plaintiff in advance to the filing of the parties' next joint status report.

The Parties' Proposed Schedule

The parties jointly propose that the Court direct the parties to provide another joint status report with an update on the current status of Defendants' searches, processing, and responses on or before August 1, 2019, and a proposed schedule for further proceedings. A proposed order is attached.

Dated: June 21, 2019

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